

2013 DRAFTING REQUEST**Senate Substitute Amendment (SSA-SB236)**

Received: **9/27/2013** Received By: **btradewe**
 Wanted: **As time permits** Same as LRB:
 For: **Dale Schultz (608) 266-0703** By/Representing: **David Lovell (Leg. Council)**
 May Contact: Drafter: **btradewe**
 Subject: **Agriculture - food safety** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Sen.Schultz@legis.wisconsin.gov**
 Carbon copy (CC) to: **David.Lovell@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Sale of unpasteurized milk, including grade 1 permit

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	btradewe 10/4/2013	kfollett 10/3/2013	jfrantze 10/4/2013	_____	sbasford 10/4/2013		
/1	btradewe 11/6/2013	kfollett 10/4/2013	jmurphy 10/4/2013	_____	srose 10/4/2013	srose 10/4/2013	
/2		kfollett 11/6/2013	rschluet 11/6/2013	_____	lparisi 11/6/2013	lparisi 11/6/2013	

FE Sent For:

<END>

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/P1	btradewe 10/4/2013	kfollett 10/3/2013	jfrantze 10/4/2013	_____	sbasford 10/4/2013		
/1		kfollett 10/4/2013	jmurphy 10/4/2013	_____	srose 10/4/2013	srose 10/4/2013	

FE Sent For:

12/5
11/6

11/6
<END>

jm

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/P1	btradewe 10/2/2013	kfollett 10/3/2013	jfrantze 10/4/2013	_____	sbasford 10/4/2013		

FE Sent For:

11/5/13
10/4
gm 10/4
self
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/P1	btradewe	1 P1/f 10/3		10/3			

FE Sent For:

<END>

9/27/13 Per David Howell, Legislative Council:

at mt. with Summit from Sen Schultz's office to get instructions for a substitute amendment to SB 236 (raw milk)

(cream and
not for sale)

The draft should require a person selling raw milk to be licensed under s. 97.22 (2). The draft should also create a new permit--as an alternative to the grade A permit--called a grade 1 unpasteurized milk permit.

Everything else in s. 97.22 applies--it should say that the rules applicable to ^{these} permits may not be more stringent than those for Grade A permits → except that the milk quality standards and other provisions in 1350096/P1 beginning on p. 8, line 14, and ending on page 11, line 13 apply but change the words on p. 10, line 8, to "old are at higher risk from these pathogens."

There may be some additional instructions

RCT

- 1 milk products, butter, cheese, and frozen desserts. The department shall include
2 standards for all of the following in the rules:

****NOTE: In the statutes, only milk and fluid milk products are covered by the grade A designation (see s. 97.24 (1) (b) and (c)). Thus, statutorily, the grade A standards do not cover the production of other dairy products. The main products that would be significant for this proposal, I think, are butter, cheese, and frozen desserts, but there are other nonfluid milk products. See, for example, s. ATCP 80.24 (3m). I am unsure of the best way to draft this.

I am not sure that the relevant rules treat on-farm processing of dairy products differently than processing at separate dairy plants. If they do not, there is no need to refer to the farm where produced and processed.

- 3 1. The design, construction, and maintenance of the premises, facilities, and
4 equipment.

- 5 2. The adequacy and quality of the water supply.

- 6 3. Milking and the handling of milk.

- 7 4. The inspection of dairy farms and the enforcement of standards.

- 8 (b) 1. A milk producer with a farm buying club license who milks cows shall
9 maintain the person's cattle free of bovine tuberculosis and brucellosis and shall test
10 the cattle for bovine tuberculosis annually.

- 11 2. A milk producer with a farm buying club license who milks goats shall
12 maintain the person's goats free of bovine tuberculosis and brucellosis and shall test
13 the goats for bovine tuberculosis annually.

****NOTE: Should there be requirements related to sheep health? Some sources that I located indicate that it is possible for sheep to contract both diseases.

- 14 (8) PRODUCT QUALITY, TESTING, AND SAMPLING. (a) The standards for a grade 1
15 unpasteurized dairy product are as follows:

- 16 1. The dairy product is free of Campylobacter, Salmonella, Listeria
17 monocytogenes, and Escherichia coli O157:H7.

- 18 2. The dairy product is free of antibiotic drug residue.

1 3. The standard plate count of the dairy product is no more than 10,000 bacteria
2 per milliliter.

3 4. The somatic cell count of the dairy product is no more than 600,000 cells per
4 millimeter.

5 5. The coliform count of the dairy product is no more than 10 bacteria per
6 milliliter.

 ****NOTE: Are these standards appropriate for all of the dairy products other than
milk? It seems as though cheese and other cultured products might naturally violate the
general bacteria count requirement. See ATCP 80.24. Are the same standards workable
for cow, sheep, and goat milk?

7 (b) A milk producer with a farm buying club license shall demonstrate
8 compliance with the standards under par. (a) as follows:

9 1. For the standard under par. (a) 1., through monthly tests.

10 2. For the standard under par. (a) 2., through tests of each bulk tank or lot of
11 milk.

 ****NOTE: Is it clear what a "lot" is?

12 3. For the standards in par. (a) 3. to 5., through tests performed in at least 4
13 of each 6 consecutive months.

14 (c) A milk producer with a farm buying club license shall have each test
15 required under par. (b) and sub. (7) (b) conducted by a laboratory with approval to
16 conduct the test from the department, the food safety agency of another state, or the
17 federal food and drug administration.

 ****NOTE: Does the FDA approve laboratories to perform the specified tests?

18 (d) A milk producer with a farm buying club license shall take a representative
19 sample of each grade 1 unpasteurized dairy product on each day of production, freeze
20 the sample, and preserve the frozen sample for not less than 15 days.

 ****NOTE: Should the draft say anything about sampling procedures?

1 **(9) NOTICES AND LABELING.** (a) At the place where grade 1 unpasteurized dairy
2 products are sold, a milk producer with a farm buying club license shall display a sign
3 that is easy for a consumer to read and that states: “Raw milk does not provide the
4 benefits of pasteurization. Raw milk may contain disease–causing pathogens.
5 Individuals with suppressed or compromised immune systems, including
6 individuals with diabetes or HIV/AIDS and individuals undergoing chemotherapy
7 or radiation therapy, women who are pregnant or nursing, and the very young or very
8 old should not consume raw milk.”

 ****NOTE: Do you want to modify this language given that the draft allows the sale
of unpasteurized dairy products other than milk?

9 (b) A milk producer with a farm buying club license shall affix to the container
10 in which a grade 1 unpasteurized dairy product is sold a label that identifies the
11 grade 1 unpasteurized dairy product, states that it is a grade 1 unpasteurized dairy
12 product, and bears the name and address of the milk producer, the date of the sale,
13 and the statement in par. (a).

14 **(10) RECORDKEEPING.** (a) A milk producer with a farm buying club license shall
15 maintain a record of each sale to a member of the buying club that includes all of the
16 following information:

- 17 1. The product sold.
- 18 2. The quantity sold.
- 19 3. The date the product was produced.
- 20 4. The name, address, and telephone number of the member who bought the
21 product.

1 (b) A milk producer with a buying club license shall maintain a record of each
2 sale of milk to a cheesemaker under sub. (4) (a) 4. that includes the following
3 information:

- 4 1. The amount of milk sold.
5 2. The date the milk was produced.
6 3. The name, address, and telephone number of the person who bought the
7 milk.

***NOTE: Is this record-keeping requirement for sales to cheesemakers wanted?

8 (c) A milk producer with a buying club license shall maintain a record under
9 par. (a) or (b) for at least one year.

10 **(11) ACCESS TO INFORMATION AND SAMPLES.** A milk producer with a farm buying
11 club license shall make sales records, product samples, and test results available for
12 inspection by the department, the department of health services, or a local health
13 department, as defined in s. 250.01 (4), at any reasonable time.

14 **(12) LIABILITY OF BUYING CLUB MEMBERS.** A member of a farm buying club is
15 immune from liability for acts and omissions of all of the following:

- 16 (a) The milk producer with the farm buying club license.
17 (b) The farm buying club.
18 (c) Other members of the farm buying club.

19 **(13) DUTIES OF THE UNIVERSITY OF WISCONSIN SYSTEM.** (a) The University of
20 Wisconsin System shall do all of the following:

- 21 1. Identify best management practices for the production of unpasteurized
22 dairy products that can be implemented by milk producers to minimize health risks
23 from the consumption of those products.

Tradewell, Becky

Subject: FW: raw milk exec

From: Mulmuley, Sanchit
Sent: Friday, September 27, 2013 3:05 PM
To: Lovell, David; Tradewell, Becky
Subject: RE: raw milk exec

Let's keep it consistent with the current section.

Thanks,

Sanchit Mulmuley
Committee Clerk
Office of State Senator Dale Schultz
(608) 266-0703
sanchit.mulmuley@legis.wi.gov

From: Lovell, David
Sent: Friday, September 27, 2013 2:53 PM
To: Tradewell, Becky
Cc: Mulmuley, Sanchit
Subject: RE: raw milk exec

I didn't say – my error. Fluid milk only. I think 97.22 applies to milk, cream, and half-and-half. I suggest keeping consistent with the current section to the extent possible – right, Sanchit?

David L. Lovell, Senior Analyst
Wisconsin Legislative Council
608-266-1537

From: Tradewell, Becky
Sent: Friday, September 27, 2013 1:36 PM
To: Lovell, David
Subject: RE: raw milk exec

David,

I was thinking about the request after you left and I'm not sure whether you said that it would only authorize the sale of milk or also other dairy products.

Becky

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

10/2/13 Per Chancit - require testing for bovine
tuberculosis, but not brucellosis. Require for cattle, sheep
and goats. Modify 5009/Pl, p. 8, lines 8-13

RUT

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0127/P1dn

RCT...

Date

Sanchit Mulmuley:

This is a preliminary draft of the substitute amendment to the raw milk bill, SB 236. It should be reviewed carefully.

Section 97.24(6) requires DATCP to inspect every dairy farm other than a grade A dairy farm at least once every two years and to inspect every grade A dairy farm at the frequency required by DATCP by rule. Because this draft does not amend s. 97.24(6), DATCP would be required to inspect farms with grade 1 permits at least once every two years. Please let me know if this should be changed.

There are some notes in the draft raising additional issues.

Please do not hesitate to contact me with questions or redraft instructions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE

Friday



LRBs0127/P1

RCT...

gf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT ,
TO SENATE BILL 236

note

Gen

1 **AN ACT ...; relating to:** the sale of unpasteurized milk.

Analysis by the Legislative Reference Bureau

Current law generally prohibits the sale of unpasteurized (commonly called raw) milk and other milk products and prohibits the sale to consumers of milk (which is defined to include cream) that is not grade A milk. Current law requires a dairy farmer to have a milk producer license from the Department of Agriculture, Trade and Consumer Protection (DATCP) and requires a grade A permit from DATCP to sell grade A milk. Also under current law, DATCP promulgates rules governing the production of milk, including the construction and operation of dairy farms, and the testing and quality of milk.

This substitute amendment creates a grade 1 unpasteurized milk permit, issued by DATCP, and allows a dairy farmer who holds a milk producer license and a grade 1 unpasteurized milk permit to sell unpasteurized milk directly to consumers on the farm. The substitute amendment specifies standards for bacterial content and somatic cell counts (an indicator of animal health) in grade 1 unpasteurized milk and requires the unpasteurized milk to be free of antibiotic drug residues. The substitute amendment also imposes requirements relating to milk testing and sampling, tuberculosis testing of dairy animals, signs and labeling, and recordkeeping. DATCP's rules relating to the production of milk that will be

pasteurized apply to the production of grade 1 unpasteurized milk as long as they are not more stringent than the requirements imposed by the substitute amendment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓
1 **SECTION 1.** 97.20 (2) (e) 1m. of the statutes is created to read:

2 97.20 (2) (e) 1m. A dairy farm manufacturing or processing milk that is
3 unpasteurized, if the milk producer holds a grade 1 unpasteurized milk permit. ✓

4 **SECTION 2.** 97.22 (1) (dm) of the statutes is created to read: ✓

5 97.22 (1) (dm) "Grade 1 unpasteurized milk" has the meaning given in s. 97.24 ✓
6 (1) (cg).

7 ✓
8 **SECTION 3.** 97.22 (3m) of the statutes is created to read:

9 97.22 (3m) GRADE 1 UNPASTEURIZED MILK PERMIT. No milk producer may sell or
10 distribute milk from the milk producer's dairy farm as grade 1 unpasteurized milk
11 without a valid grade 1 unpasteurized milk permit issued by the department for that ✓
12 dairy farm. A grade 1 unpasteurized milk permit expires on April 30 annually and
13 is not transferable between persons or dairy farms. A grade 1 unpasteurized milk
14 permit may be issued in the form of an endorsement on a milk producer license under
15 sub. (2). ✓

16 ✓
17 **SECTION 4.** 97.22 (9) of the statutes is created to read:

18 97.22 (9) STANDARDS FOR GRADE 1 UNPASTEURIZED MILK. (a) *Quality standards.*
19 The quality standards for grade 1 unpasteurized milk are as follows:

20 1. The milk is free of Campylobacter, Salmonella, Listeria monocytogenes, and
Escherichia coli O157:H7.

2. The milk is free of antibiotic drug residue.

1 3. The standard plate count of the milk is no more than 10,000 bacteria per
2 milliliter.

3 4. The somatic cell count of the milk is no more than 600,000 cells per
4 millimeter.

5 5. The coliform count of the milk is no more than 10 bacteria per milliliter.

 ***NOTE: There may be questions as to whether the same standards are workable
for cow, sheep, and goat milk.

6 (b) *Milk testing.* 1. A milk producer with a grade 1 unpasteurized milk permit
7 shall demonstrate compliance with the standards under par. (a) as follows:

8 a. For the standard under par. (a) 1., through monthly tests.

9 b. For the standard under par. (a) 2., through tests of each bulk tank or lot of
10 milk.

 ***NOTE: Is it clear what a “lot” is in this situation?

11 c. For the standards in par. (a) 3. to 5., through tests performed in at least 4 of
12 each 6 consecutive months.

13 2. A milk producer with a grade 1 unpasteurized milk permit shall have each
14 test required under subd. 1. conducted by a laboratory with approval to conduct the
15 test from the department, the food safety agency of another state, or the federal food
16 and drug administration.

 ***NOTE: I don't know whether the FDA approves laboratories to perform the
specified tests.

17 (c) *Sampling.* A milk producer with a grade 1 unpasteurized milk permit shall
18 take a representative sample of milk on each day of production, freeze the sample,
19 and preserve the frozen sample for not less than 15 days.

1 (d) *Animal health, testing.* A milk producer with a grade 1 unpasteurized milk
2 permit shall maintain the person's dairy animals free of bovine tuberculosis and
3 shall test the dairy animals for bovine tuberculosis annually.

4 (e) *Sign and labeling.* 1. At the place where grade 1 unpasteurized milk is sold,
5 a milk producer with a grade 1 unpasteurized milk permit shall display a sign that
6 is easy for a consumer to read and that states: "Raw milk does not provide the
7 benefits of pasteurization. Raw milk may contain disease-causing pathogens.
8 Individuals with suppressed or compromised immune systems, including
9 individuals with diabetes or HIV/AIDS and individuals undergoing chemotherapy
10 or radiation therapy, women who are pregnant or nursing, and the very young or very
11 old are at higher risk from these pathogens."

12 2. A milk producer with a grade 1 unpasteurized milk permit shall affix to the
13 container in which grade 1 unpasteurized milk is sold a label that identifies the
14 product, states that the product is not pasteurized, and bears the name and address
15 of the milk producer, the date of the sale, and the statement in subd. 1. ✓

16 (f) *Recordkeeping.* A milk producer with a grade 1 unpasteurized milk permit
17 shall maintain a record of each sale of grade 1 unpasteurized milk that includes all
18 of the following information:

- 19 1. The product sold.
20 2. The quantity sold.
21 3. The date the product was produced.
22 4. The name, address, and telephone number of the person who bought the
23 product.

24 (g) *Access to information and samples.* A milk producer with a grade 1
25 unpasteurized milk permit shall make sales records, product samples, and test

1 results available for inspection by the department, the department of health
2 services, or a local health department, as defined in s. 250.01 (4), at any reasonable
3 time.

4 (h) *Applicability of requirements.* 1. If a requirement in a rule promulgated
5 under sub. (8) or s. 97.24 (3) is more stringent than a requirement in pars. (a) to (g),
6 the department may not apply the requirement in the rule to the production,
7 processing, or sale of grade 1 unpasteurized milk.

8 2. Except as provided in pars. (a) to (g), the department may not apply
9 requirements to the production, processing, or sale of grade 1 unpasteurized milk
10 that are more stringent than the requirements that apply to the production,
11 processing, or sale of grade A milk.

12 **SECTION 5.** 97.24 (1) (cg) of the statutes is created to read:

13 97.24 (1) (cg) "Grade 1 unpasteurized milk" means milk that is not pasteurized,
14 that is produced in compliance with the standards in s. 97.22 (9) (a) to (d), and that
15 is produced, processed, and distributed in compliance with the applicable standards
16 under sub. (3) and s. 97.22 (8).

17 **SECTION 6.** 97.24 (2m) of the statutes is created to read:

18 97.24 (2m) SALE OF UNPASTEURIZED MILK. Notwithstanding subs. (2) (b) and (3),
19 a milk producer with a grade 1 unpasteurized milk permit may sell grade 1
20 unpasteurized milk directly to a consumer on the milk producer's dairy farm.

21 (END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0127/P1dn
RCT:kjf:jf

October 4, 2013

Sanchit Mulmuley:

This is a preliminary draft of the substitute amendment to the raw milk bill, SB 236. It should be reviewed carefully.

Section 97.22 (6) requires DATCP to inspect every dairy farm other than a grade A dairy farm at least once every two years and to inspect every grade A dairy farm at the frequency required by DATCP by rule. Because this draft does not amend s. 97.22 (6), DATCP would be required to inspect farms with grade 1 permits at least once every two years. Please let me know if this should be changed.

There are some notes in the draft raising additional issues.

Please do not hesitate to contact me with questions or redraft instructions.

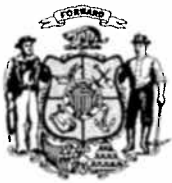
Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

10/4/13 call from Sarah L

50127/P1

1. Require inspection of farms once every 2 years.
2. They believe it is OK to use the same standards for cows, sheep & goats milk
3. Delete "or lot" on page 3, line 9
4. Leave the reference to FDA on page 3, lines 15-16. (If they don't do it now, maybe they will in the future)

RLT



Today

How a.m.

YMC

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
SENATE SUBSTITUTE AMENDMENT ,
TO SENATE BILL 236

please regenerate ✓

- 1 AN ACT *to create* 97.20 (2) (e) 1m., 97.22 (1) (dm), 97.22 (3m), 97.22 (9), 97.24 (1)
2 (cg) and 97.24 (2m) of the statutes; **relating to:** the sale of unpasteurized milk.

Analysis by the Legislative Reference Bureau

Current law generally prohibits the sale of unpasteurized (commonly called raw) milk and other milk products and prohibits the sale to consumers of milk (which is defined to include cream) that is not grade A milk. Current law requires a dairy farmer to have a milk producer license from the Department of Agriculture, Trade and Consumer Protection (DATCP) and requires a grade A permit from DATCP to sell grade A milk. Also under current law, DATCP promulgates rules governing the production of milk, including the construction and operation of dairy farms, and the testing and quality of milk.

This substitute amendment creates a grade 1 unpasteurized milk permit, issued by DATCP, and allows a dairy farmer who holds a milk producer license and a grade 1 unpasteurized milk permit to sell unpasteurized milk directly to consumers on the farm. The substitute amendment specifies standards for bacterial content and somatic cell counts (an indicator of animal health) in grade 1 unpasteurized milk and requires the unpasteurized milk to be free of antibiotic drug residues. The substitute amendment also imposes requirements relating to milk testing and sampling, tuberculosis testing of dairy animals, signs and labeling, and

recordkeeping. DATCP's rules relating to the production of milk that will be pasteurized apply to the production of grade 1 unpasteurized milk as long as they are not more stringent than the requirements imposed by the substitute amendment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 97.20 (2) (e) 1m. of the statutes is created to read:

2 97.20 (2) (e) 1m. A dairy farm manufacturing or processing milk that is
3 unpasteurized, if the milk producer holds a grade 1 unpasteurized milk permit.

4 **SECTION 2.** 97.22 (1) (dm) of the statutes is created to read:

5 97.22 (1) (dm) "Grade 1 unpasteurized milk" has the meaning given in s. 97.24
6 (1) (cg).

7 **SECTION 3.** 97.22 (3m) of the statutes is created to read:

8 97.22 (3m) GRADE 1 UNPASTEURIZED MILK PERMIT. No milk producer may sell or
9 distribute milk from the milk producer's dairy farm as grade 1 unpasteurized milk
10 without a valid grade 1 unpasteurized milk permit issued by the department for that
11 dairy farm. A grade 1 unpasteurized milk permit expires on April 30 annually and
12 is not transferable between persons or dairy farms. A grade 1 unpasteurized milk
13 permit may be issued in the form of an endorsement on a milk producer license under
14 sub. (2).

15 **SECTION 4.** 97.22 (9) of the statutes is created to read:

16 97.22 (9) STANDARDS FOR GRADE 1 UNPASTEURIZED MILK. (a) *Quality standards.*

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2 milliliter.

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5 5. The coliform count of the milk is no more than 10 bacteria per milliliter.

X ****NOTE: There may be questions as to whether the same standards are workable
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X ****NOTE: I don't know whether the FDA approves laboratories to perform the
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6 is easy for a consumer to read and that states: "Raw milk does not provide the
7 benefits of pasteurization. Raw milk may contain disease-causing pathogens.
8 Individuals with suppressed or compromised immune systems, including
9 individuals with diabetes or HIV/AIDS and individuals undergoing chemotherapy
10 or radiation therapy, women who are pregnant or nursing, and the very young or very
11 old are at higher risk from these pathogens."

12 2. A milk producer with a grade 1 unpasteurized milk permit shall affix to the
13 container in which grade 1 unpasteurized milk is sold a label that identifies the
14 product, states that the product is not pasteurized, and bears the name and address
15 of the milk producer, the date of the sale, and the statement in subd. 1.

16 (f) *Recordkeeping.* A milk producer with a grade 1 unpasteurized milk permit
17 shall maintain a record of each sale of grade 1 unpasteurized milk that includes all
18 of the following information:

- 19 1. The product sold.
20 2. The quantity sold.
21 3. The date the product was produced.
22 4. The name, address, and telephone number of the person who bought the
23 product.

24 (g) *Access to information and samples.* A milk producer with a grade 1
25 unpasteurized milk permit shall make sales records, product samples, and test

1 results available for inspection by the department, the department of health
2 services, or a local health department, as defined in s. 250.01 (4), at any reasonable
3 time.

4 (h) *Applicability of requirements.* 1. If a requirement in a rule promulgated
5 under sub. (8) or s. 97.24 (3) is more stringent than a requirement in pars. (a) to (g),
6 the department may not apply the requirement in the rule to the production,
7 processing, or sale of grade 1 unpasteurized milk.

8 2. Except as provided in pars. (a) to (g), the department may not apply
9 requirements to the production, processing, or sale of grade 1 unpasteurized milk
10 that are more stringent than the requirements that apply to the production,
11 processing, or sale of grade A milk.

12 **SECTION 5.** 97.24 (1) (cg) of the statutes is created to read:

13 97.24 (1) (cg) “Grade 1 unpasteurized milk” means milk that is not pasteurized,
14 that is produced in compliance with the standards in s. 97.22 (9) (a) to (d), and that
15 is produced, processed, and distributed in compliance with the applicable standards
16 under sub. (3) and s. 97.22 (8).

17 **SECTION 6.** 97.24 (2m) of the statutes is created to read:

18 97.24 (2m) SALE OF UNPASTEURIZED MILK. Notwithstanding subs. (2) (b) and (3),
19 a milk producer with a grade 1 unpasteurized milk permit may sell grade 1
20 unpasteurized milk directly to a consumer on the milk producer’s dairy farm.

21 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0127/lins
RCT:.....

Insert 2-14

SECTION 1. 97.22 (6) of the statutes is renumbered 97.22 (6) (intro.) and amended to read:

97.22 (6) DAIRY FARM INSPECTION; FREQUENCY. (intro.) The department shall inspect ~~do~~ do all of the following:

(a) Inspect every dairy farm other than a grade A dairy farm or dairy farm with a grade 1 unpasteurized milk permit at least once every 2 years, ~~and shall inspect.~~

(b) Inspect every grade A dairy farm at the frequency required by the department by rule under s. 97.24.

History: 1975 c. 39; 1987 a. 27, 399; 1989 a. 31; 1991 a. 39; 1993 a. 114; 2001 a. 16; 2011 a. 209.

SECTION 2. 97.22 (6) (c) of the statutes is created to read:

97.22 (6) (c) Inspect every dairy farm with a grade 1 unpasteurized milk permit once every 2 years.

Tradewell, Becky

To: Mulmuley, Sanchit
Subject: RE: raw milk sub

From: Mulmuley, Sanchit
Sent: Tuesday, November 05, 2013 12:00 PM
To: Tradewell, Becky
Cc: Lovell, David
Subject: RE: raw milk sub

Becky,

Can we please incorporate the following changes to the substitute amendment?

Brucellosis testing

Remove requirement, since it is governed by animal health laws

If not, require testing upon initial request for license (or documentation of recent test performed), and when a new animal is introduced from out of state, or a non TB free zone.

Access to information and samples:

Require license holder to give records to the department or any federal, state and local health departments that is investigating an illness or infection that may have been caused by the consumption of that producer's raw milk.

Testing of antibiotic drug residue:

Require testing every month. If a cow, sheep or goat is administered an antibiotic, its milk cannot be sold unless its milk tests negative for antibiotics.

Sanchit Mulmuley
Committee Clerk
Office of State Senator Dale Schultz
(608) 266-0703
sanchit.mulmuley@legis.wi.gov

Tradewell, Becky

Subject: FW: raw milk sub

From: Mulmuley, Sanchit
Sent: Tuesday, November 05, 2013 1:01 PM
To: Tradewell, Becky
Cc: Lovell, David
Subject: RE: raw milk sub

Becky,

Good thing you asked me.

It is our intent that to limit DATCP and other entities only with respect to **record of sales**, and not test results.
I will send the stripes back immediately.

Thanks,

Sanchit Mulmuley
Committee Clerk
Office of State Senator Dale Schultz
(608) 266-0703
sanchit.mulmuley@legis.wi.gov

From: Tradewell, Becky
Sent: Tuesday, November 05, 2013 12:56 PM
To: Mulmuley, Sanchit
Cc: Lovell, David
Subject: RE: raw milk sub

Sanchit,

I want to make sure that I understand the second change. Is it the intent to narrow the current paragraph on access (proposed s. 97.22 (9) (g), on page 5 of the draft) so that DATCP and the other entities only have access to sales records, product samples, and test results if there is an illness or infection that may have been caused by the producer's raw milk? That would mean that DATCP would not be able to check whether a farmer was keeping the records or doing the tests that the law requires, unless there was an outbreak. Is that what is intended?

We will need the jacket (stripes) back so that we can release the redraft.

Thanks,
Becky

From: Mulmuley, Sanchit
Sent: Tuesday, November 05, 2013 12:00 PM
To: Tradewell, Becky

Cc: Lovell, David
Subject: RE: raw milk sub

Becky,

Can we please incorporate the following changes to the substitute amendment?

Brucellosis testing

Remove requirement, since it is governed by animal health laws

If not, require testing upon initial request for license (or documentation of recent test performed), and when a new animal is introduced from out of state, or a non TB free zone.

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Require testing every month. If a cow, sheep or goat is administered an antibiotic, its milk cannot be sold unless its milk tests negative for antibiotics.

Sanchit Mulmuley
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Office of State Senator Dale Schultz
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sanchit.mulmuley@legis.wi.gov

Tradewell, Becky

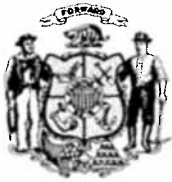
Subject: FW: raw milk sub

From: Mulmuley, Sanchit
Sent: Tuesday, November 05, 2013 1:03 PM
To: Tradewell, Becky
Cc: Lovell, David
Subject: RE: raw milk sub

Also, I mistakenly said brucellosis.

We intend to take out tuberculosis as well.

Sanchit Mulmuley
Committee Clerk
Office of State Senator Dale Schultz
(608) 266-0703
sanchit.mulmuley@legis.wi.gov



State of Wisconsin
2013 - 2014 LEGISLATURE

Wanted Thers 11/7



LRBs01271 2
RCT:kjf:im YMR

SENATE SUBSTITUTE AMENDMENT,
TO SENATE BILL 236

Regen

- 1 AN ACT *to renumber and amend* 97.22 (6); and *to create* 97.20 (2) (e) 1m., 97.22
2 (1) (dm), 97.22 (3m), 97.22 (6) (c), 97.22 (9), 97.24 (1) (cg) and 97.24 (2m) of the
3 statutes; **relating to:** the sale of unpasteurized milk.

Analysis by the Legislative Reference Bureau

Current law generally prohibits the sale of unpasteurized (commonly called raw) milk and other milk products and prohibits the sale to consumers of milk (which is defined to include cream) that is not grade A milk. Current law requires a dairy farmer to have a milk producer license from the Department of Agriculture, Trade and Consumer Protection (DATCP) and requires a grade A permit from DATCP to sell grade A milk. Also under current law, DATCP promulgates rules governing the production of milk, including the construction and operation of dairy farms, and the testing and quality of milk.

This substitute amendment creates a grade 1 unpasteurized milk permit, issued by DATCP, and allows a dairy farmer who holds a milk producer license and a grade 1 unpasteurized milk permit to sell unpasteurized milk directly to consumers on the farm. The substitute amendment specifies standards for bacterial content and somatic cell counts (an indicator of animal health) in grade 1 unpasteurized milk and requires the unpasteurized milk to be free of antibiotic drug residues. The substitute amendment also imposes requirements relating to milk testing and sampling, tuberculosis testing of dairy animals, signs and labeling, and

recordkeeping. DATCP's rules relating to the production of milk that will be pasteurized apply to the production of grade 1 unpasteurized milk as long as they are not more stringent than the requirements imposed by the substitute amendment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓

1 **SECTION 1.** 97.20 (2) (e) 1m. of the statutes is created to read:

2 97.20 (2) (e) 1m. A dairy farm manufacturing or processing milk that is
3 unpasteurized, if the milk producer holds a grade 1 unpasteurized milk permit.

✓

4 **SECTION 2.** 97.22 (1) (dm) of the statutes is created to read:

5 97.22 (1) (dm) "Grade 1 unpasteurized milk" has the meaning given in s. 97.24
6 (1) (cg).

✓

7 **SECTION 3.** 97.22 (3m) of the statutes is created to read:

8 97.22 (3m) GRADE 1 UNPASTEURIZED MILK PERMIT. No milk producer may sell or
9 distribute milk from the milk producer's dairy farm as grade 1 unpasteurized milk
10 without a valid grade 1 unpasteurized milk permit issued by the department for that
11 dairy farm. A grade 1 unpasteurized milk permit expires on April 30 annually and
12 is not transferable between persons or dairy farms. A grade 1 unpasteurized milk
13 permit may be issued in the form of an endorsement on a milk producer license under
14 sub. (2).

✓

15 **SECTION 4.** 97.22 (6) of the statutes is renumbered 97.22 (6) (intro.) and
16 amended to read:

17 97.22 (6) DAIRY FARM INSPECTION; FREQUENCY. (intro.) The department shall
18 inspect do all of the following:

19 (a) Inspect every dairy farm other than a grade A dairy farm or dairy farm with
20 a grade 1 unpasteurized milk permit at least once every 2 years, and shall inspect.

1 (b) Inspect every grade A dairy farm at the frequency required by the
2 department by rule under s. 97.24.

3 **SECTION 5.** 97.22 (6) (c) of the statutes is created to read: ✓

4 97.22 (6) (c) Inspect every dairy farm with a grade 1 unpasteurized milk permit
5 once every 2 years.

6 **SECTION 6.** 97.22 (9) of the statutes is created to read: ✓

7 97.22 (9) STANDARDS FOR GRADE 1 UNPASTEURIZED MILK. (a) *Quality standards.*
8 The quality standards for grade 1 unpasteurized milk are as follows:

9 1. The milk is free of Campylobacter, Salmonella, Listeria monocytogenes, and
10 Escherichia coli O157:H7.

11 2. The milk is free of antibiotic drug residue.

12 3. The standard plate count of the milk is no more than 10,000 bacteria per
13 milliliter.

14 4. The somatic cell count of the milk is no more than 600,000 cells per
15 millimeter.

16 5. The coliform count of the milk is no more than 10 bacteria per milliliter.

17 (b) *Milk testing.* 1. A milk producer with a grade 1 unpasteurized milk permit
18 shall demonstrate compliance with the standards under par. (a) as follows:

19 a. For the standard^s under par. (a) 1, ^{and 2. ✓} through monthly tests.

20 ~~b. For the standard under par. (a) 2, through tests of each bulk tank of milk.~~

21 c. For the standards in par. (a) 3. to 5., through tests performed in at least 4 of
22 each 6 consecutive months.

23 2. A milk producer with a grade 1 unpasteurized milk permit shall have each
24 test required under subd. 1. ^{or 1m. ✓} conducted by a laboratory with approval to conduct the

1 test from the department, the food safety agency of another state, or the federal food
2 and drug administration.

3 (c) *Sampling.* A milk producer with a grade 1 unpasteurized milk permit shall
4 take a representative sample of milk on each day of production, freeze the sample,
5 and preserve the frozen sample for not less than 15 days.

6 (d) *Animal health, testing.* A milk producer with a grade 1 unpasteurized milk
7 permit shall maintain the person's dairy animals free of bovine tuberculosis and
8 shall test the dairy animals for bovine tuberculosis annually.

9 (e) *Sign and labeling.* 1. At the place where grade 1 unpasteurized milk is sold,
10 a milk producer with a grade 1 unpasteurized milk permit shall display a sign that
11 is easy for a consumer to read and that states: "Raw milk does not provide the
12 benefits of pasteurization. Raw milk may contain disease-causing pathogens.
13 Individuals with suppressed or compromised immune systems, including
14 individuals with diabetes or HIV/AIDS and individuals undergoing chemotherapy
15 or radiation therapy, women who are pregnant or nursing, and the very young or very
16 old are at higher risk from these pathogens."

17 2. A milk producer with a grade 1 unpasteurized milk permit shall affix to the
18 container in which grade 1 unpasteurized milk is sold a label that identifies the
19 product, states that the product is not pasteurized, and bears the name and address
20 of the milk producer, the date of the sale, and the statement in subd. 1.

21 (f) *Recordkeeping.* A milk producer with a grade 1 unpasteurized milk permit
22 shall maintain a record of each sale of grade 1 unpasteurized milk that includes all
23 of the following information:

- 24 1. The product sold.
25 2. The quantity sold.

1 3. The date the product was produced.

2 4. The name, address, and telephone number of the person who bought the
3 product.

4 (g) *Access to information and samples.* ^{1.} A milk producer with a grade 1
5 unpasteurized milk permit shall make sales records, product samples, and test
6 results available for inspection by the department, the department of health
7 services, or a local health department, as defined in s. 250.01 (4), at any reasonable
8 time.

INS
S 8 9 (h) *Applicability of requirements.* 1. If a requirement in a rule promulgated
10 under sub. (8) or s. 97.24 (3) is more stringent than a requirement in pars. (a) to (g),
11 the department may not apply the requirement in the rule to the production,
12 processing, or sale of grade 1 unpasteurized milk.

13 2. Except as provided in pars. (a) to (g), the department may not apply
14 requirements to the production, processing, or sale of grade 1 unpasteurized milk
15 that are more stringent than the requirements that apply to the production,
16 processing, or sale of grade A milk.

17 **SECTION 7.** 97.24 (1) (cg) of the statutes is created to read:

18 97.24 (1) (cg) "Grade 1 unpasteurized milk" means milk that is not pasteurized,
19 that is produced in compliance with the standards in s. 97.22 (9) (a) to (d), and that
20 is produced, processed, and distributed in compliance with the applicable standards
21 under sub. (3) and s. 97.22 (8).

22 **SECTION 8.** 97.24 (2m) of the statutes is created to read:

1 97.24 (2m) SALE OF UNPASTEURIZED MILK. Notwithstanding subs. (2) (b) and (3),
2 a milk producer with a grade 1 unpasteurized milk permit may sell grade 1
3 unpasteurized milk directly to a consumer on the milk producer's dairy farm.

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0127/2ins
RCT:.....

Insert 3-22

1m. If an antibiotic is administered to a milking animal, a milk producer with a grade 1 unpasteurized milk permit may not sell milk from that milking animal until testing of the milk shows that it is free of antibiotic drug residue.

Insert 5-8

2. If the department, the department of health services, a federal agency, or a local health department is investigating an illness or infection that may have been caused by the consumption of milk produced by a milk producer with a grade 1 unpasteurized milk permit, the milk producer shall make sales records available for inspection by the department, the department of health services, the federal agency, or the local health department.